

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

**MICHAEL FARAM,**

**Plaintiff,**

**V.**

## Civil Action

**File No. 1:15-MI-99999**

**GENERAL SHALE BRICK, INC., ACE )  
AMERICAN INSURANCE COMPANY, )  
NATIONAL UNION FIRE INSURANCE )  
OF PITTSBURGH, and )  
RONNIE TIM CROWE, )**

## Defendants.

## DEFENDANTS' JOINT NOTICE OF REMOVAL

COME NOW Defendants, General Shale Brick, Inc., National Union Fire Insurance of Pittsburgh, and Ronnie Tim Crowe (hereinafter "Defendants"), pursuant to Fed. R. Civ. P. 81 (c) and 28 U.S.C. §§ 1441 and 1446(a) and (b) and hereby submit their Joint Notice of Removal and remove to this Court the State Court action described below, respectfully showing the Court as follows:

1.

Defendants have been sued in a civil action brought in the State Court of Fulton County, which is located within the Atlanta Division of the United States District Court for the Northern District of Georgia.

2.

Plaintiff is a citizen and resident of the State of Texas.

3.

Defendant General Shale and Brick, Inc. is a Delaware corporation with its principal place of business located in Johnson City, Tennessee.

4.

Defendant National Union Fire Insurance of Pittsburgh, PA. is a Pennsylvania corporation with its principal place of business located in New York, New York.

5.

Defendant Ace American Insurance Company is a Pennsylvania corporation with its principal place of business located in Philadelphia, Pennsylvania.

6.

Defendant Ronnie Tim Crowe is a citizen and resident of the State of Tennessee.

7.

GEICO Advantage Insurance Company ("GEICO") is a Nebraska corporation with its principal place of business located in Chevy Chase,

Maryland. GEICO is the putative underinsured motorist carrier served by Plaintiff with the original Complaint pursuant to Georgia law. GEICO, to the extent it is an interested party, joins with and consents to the removal of this action from the State Court of Fulton County to the United States District Court.

8.

The Complaint was filed on June 11, 2015, in the State Court of Fulton County, Case No.: 15EV001352. The Complaint and Summons were allegedly served and received by Defendant General Shale Brick, Inc. on June 24, 2015. The Complaint and Summons were allegedly served and received by Defendant National Union fire Insurance of Pittsburgh on June 24, 2015. The Complaint and Summons were allegedly served on and received by Defendant Ronnie Tim Crowe on June 26, 2015. The Complaint and Summons were allegedly served on and received by GEICO, as the putative underinsured motorist insurer, on June 24, 2015.

9.

The Complaint for Damages asserts claims by a Plaintiff, a citizen and resident of Texas, against Defendants, none of which are citizens, or corporations domiciled or organized in the State of Texas. The corporations or companies named in this action have their principal place of business, and are organized

under the laws of, Tennessee, Maryland, Delaware, Nebraska and Pennsylvania. Plaintiff's Complaint claims substantial and permanent injuries, necessitated spinal surgery, and that Plaintiff endured, and continues to endure, physical and mental pain and suffering, disabilities, loss of physical capacities, and other damages. These damages, together with costs of litigation, allegedly exceed \$75,000.

10.

This Notice of Removal is filed within thirty (30) days from the alleged dates of service on the Defendants. The removal of this action is made on diversity grounds.

11.

Defendants attach, as Exhibit "A" to this original pleading only, the entire record in the State Court of Fulton County action.

12.

The aforementioned civil action is a civil action over which this Court has original jurisdiction and is one which may be removed to this Court by Defendants pursuant to 28 U.S.C. § 1441(a), 28 U.S.C. § 1446(a) and (b) and, in accordance with the provisions of 28 U.S.C. § 1332(a), there being diversity of

citizenship between the Plaintiff and the Defendants and the matter in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.

13.

Defendants have given written notice of the filing of this Notice to Plaintiff by mailing a copy of this Notice of Removal to Plaintiff's counsel via Certified Mail, Return Receipt Requested. Defendants have filed a written notice with the Clerk of the State Court of Fulton County, a copy of both are attached hereto as Exhibit "B."

14.

The undersigned has read this Notice of Removal, and to the best of the undersigned's knowledge, information and belief, formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law, and it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation. *See* Affidavit of M. Andrew Echols, attached hereto as Exhibit "C".

WHEREFORE, the Defendants pray that the case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 24<sup>th</sup> day of July, 2015.

**LEWIS BRISBOIS BISGAARD &  
SMITH LLP**

/s/ M. Andrew Echols

R. Scott Masterson

Georgia Bar No.: 476356

M. ANDREW ECHOLS

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Joined and consented to by:

**Rich & Manganiello**

/s/ Brandi E. Fishel

BRANDI E. FISHEL

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing **DEFENDANTS' JOINT NOTICE OF REMOVAL** upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows:

Noble L. Boykin, Jr.  
JONES, BOYKIN & ASSOCIATES, P.C.  
213 E. 38<sup>th</sup> Street  
Savannah, Georgia 31401

*Attorneys for Plaintiffs*

This 24<sup>th</sup> day of July, 2015.

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